

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3172 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

C.S.HOTELS PVT.LTD.,

Versus

COMPETENT AUTHORITY AND DEPUTYCOLLECTOR

Appearance:

MR MJ THAKORE for Petitioner

MS MANISHA LAVKUMAR, AGP, for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 10/08/1999

ORAL JUDGEMENT

Heard Mr Thakore for the petitioner and Ms Manisha Lavkumar, learned AGP, for the respondents.

2 The petitioner has challenged the order passed by the competent authority and the Urban Land Tribunal as well as the notice issued by the State Government under Section 34 of the Urban Land (Ceiling & Regulation) Act,

1976. The proceedings had gone up to the stage of issuance of notice under section 8(4) of the Act. In view of the written instructions dated 21.6.1999 (Sl.No.17) received by the Government Pleader's office from Mr B.G.Jhalavadia, competent authority and the Additional Collector, ULC, Ahmedabad, the learned AGP states that the possession of the land was not taken over by the authorities in view of the ad interim stay dated 27.6.1988 which was confirmed on 14.7.1988.

3 The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March 1999, passed under Article 252(2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4 The petition is accordingly disposed of as having abated. There shall be no order as to costs.

(M S SHAH, J.)

(mohd)